

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

SPACE EXPLORATION
TECHNOLOGIES CORP.,
Plaintiff

v.

CAROL BELL, et. al,
Defendants

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Civil Action No. 1:23-cv-137

ORDER

The Court is in receipt of “Plaintiff’s Motion for Leave to File First Amended Complaint for Declaratory Judgment and Injunctive Relief” (hereinafter, Plaintiff’s “Motion”), “Defendants’ Surreply in Opposition to Plaintiff’s Motion for a Preliminary Injunction and Opposition to Plaintiff’s Motion for Leave to File First Amended Complaint” (hereinafter, Defendants’ “Response”), Plaintiff’s “Reply in Support of Motion for Leave to File First Amended Complaint” (hereinafter, Plaintiff’s “Reply”), and Plaintiff’s proposed “First Amended Complaint” (hereinafter, Plaintiff’s “First Amended Complaint”). Dkt. Nos. 23, 23-1, 26, 27. The Court is also in receipt of Defendants’ “Unopposed Motion to Stay Answer Deadline” (hereinafter, Defendants’ “Unopposed Motion”). Dkt. No. 29. For the reasons below, the Court finds that Plaintiff’s Motion and Defendants’ Unopposed Motion should be **GRANTED**.

A. Plaintiff’s Motion for Leave to File First Amended Complaint for Declaratory Judgment and Injunctive Relief.

On October 12, 2023, after Plaintiff filed its “Complaint for Declaratory and Injunctive Relief” (hereinafter, Plaintiff’s “Complaint”), the Department of Justice’s

Executive Office for Immigration Review published an interim final rule (hereinafter, “IFR”). Dkt. Nos. 1 & 23. In construing its Motion, the Court finds that Plaintiff seeks to supplement its Complaint to include an additional count addressing the IFR. *Id.*

A court may, on just terms, permit a party to file a supplemental pleading setting forth transactions, occurrences, or events that have happened since the date of the pleadings sought to be supplemented. Fed. R. Civ. P. 15(d). A decision to grant is within the discretion of the district court. *Haggard v. Bank of Ozarks Inc.*, 668 F.3d 196, 202 (5th Cir. 2012). While the text of Rule 15(a) provides that leave should be freely granted, the text of Rule 15(d) does not similarly provide. *See* Fed. R. Civ. P. 15. Rule 15(d) is clear that the court may permit a supplemental pleading setting forth changed circumstances. *Burns v. Exxon Corp.*, 158 F.3d 336, 343 (5th Cir. 1998).

Considering the changed circumstances created by the IFR, the Court finds that Plaintiff should be permitted to file its First Amended Complaint.

B. Defendants’ Unopposed Motion to Stay Answer Deadline.

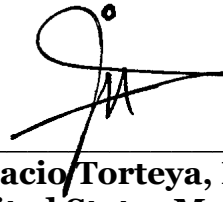
On November 8, 2023, the Court granted in part Plaintiff’s Motion for Preliminary Injunction (hereinafter, Court’s “preliminary injunction order”). Dkt. No. 28. Defendants request that the Court stay all current deadlines in this case to allow for the Defendants to consider whether to appeal the Court’s preliminary injunction order. Dkt. Nos. 28 & 29. The Court, then, finds that Defendants’ Unopposed Motion has merit.

IT IS THEREFORE ORDERED that Plaintiff’s Motion (Dkt. No. 23) should be and is hereby **GRANTED**. The Clerk of Court is **ORDERED** to file Plaintiff’s First Amended Complaint as a new entry on the case docket.

IT IS FURTHER ORDERED that Defendant’s Motion (Dkt. No. 29) is **GRANTED**. All deadlines, rulings, and settings in this case are **STAYED**, including but

not limited to Defendants' deadline to respond to Plaintiff's Complaint. The **stay shall be automatically lifted on January 22, 2024**. The parties **SHALL** file a status report by **January 22, 2024**, unless otherwise ordered by the Court.

SIGNED on this **16th** day of **November, 2023**, at **Brownsville, Texas**.

A handwritten signature in black ink, appearing to read 'Ignacio Torteya, III', written over a horizontal line.

Ignacio Torteya, III
United States Magistrate Judge